

**IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In Re:

CHARLES ALBERT BUERGER JR.,

Debtor(s)

§
§
§
§
§
§

Case No. 24-32808

Chapter 7

**DEBTOR'S AMENDED MOTION TO REOPEN CHAPTER 7 PROCEEDING PURSUANT
TO 11 U.S.C. 350(b) TO ALLOW ENTRY OF THE CERTIFICATE OF COMPLETION OF
FINANCIAL MANAGEMENT COURSE AND ORDER OF DISCHARGE**

TO THE HONORABLE JUDGE OF THIS COURT:

Debtor, CHARLES ALBERT BUERGER, JR., Debtor, and Debtors' Counsel, the RESOLVE LAW GROUP, on behalf of the Debtor, file this AMENDED MOTION TO REOPEN CHAPTER 7 PROCEEDING PURSUANT TO 11 U.S.C. §350(B) for the limited purpose of allowing entry of the Certificate of Completion of Financial Management Course (the "Certificate") and for issuance of an Order of Discharge after timely filing the Certificate (the "Motion").

21-DAY NEGATIVE NOTICE—LBR 9013-2(b)

This motion seeks an order that may adversely affect you. If you oppose the motion, you should immediately contact the moving party to resolve the dispute. If you and the moving party cannot agree, you must file a response and send a copy to the moving party. You must file and serve your response within twenty-one (21) days of the date this motion was served on you. Your response must state why the motion should not be granted. If you do not file a timely response, the relief may be granted without further notice to you. If you oppose the motion and have not reached an agreement, you must attend the hearing. Unless the parties agree otherwise, the court may consider evidence at the hearing and may decide the motion at the hearing. Represented parties should act through their attorney.

STATUTORY AUTHORITY

1. This Motion is filed pursuant to 11 U.S.C. § 350(b) to seek leave of court to reopen this

DEBTOR'S MOTION TO REOPEN

In Re: Charles Albert Buerger, Jr., Case No. 24-32808

PAGE 1

case “to administer assets, to accord relief to the debtor, or other cause.” (This Motion is not sought due to clerical error or omission by the Court.)

2. In accordance with FED. R. CIV. P. 59(e), made applicable by FED. R. BANKR. P. 9023, this Motion is filed within fourteen (14) days from the date of entry of the Court’s closing the above-referenced chapter 7 bankruptcy case without entry of an order of discharge. DKT. 32.

3. This Motion is also filed in accordance with FED. R. BANKR. P. 5010, which governs motions to reopen cases.¹

BACKGROUND

4. Debtor filed a petition under Chapter 7 of Title 11 of the United States Bankruptcy Code on June 18, 2024. DKT. 1.

5. On September 25, 2024, Debtor took the second post-filing online course, the personal financial management course from ALLEN CREDIT & DEBT COUNSELING AGENCY SERVICES (“ACDCAS”), an agency approved to provide the instructional course concerning personal financial management in the Southern District of Texas that complied with the provisions of 11 U.S.C. § 111. A true and correct copy of the Certificate is attached hereto as Exhibit 1 and incorporated by reference herein.

6. On September 24, 2024, the Court closed the above-referenced case without entry of a discharge order for failure to file a financial management course certificate. DKT. 19. The last day to oppose the discharge was September 23, 2024, and no party in interest filed any pleading or adversary proceeding opposing the entry of the Debtor’s discharge. DKT. 14.

8. Debtor’s Counsel immediately contacted the Debtor to request the Certificate, and the

¹ The advisory committee notes for Rule 5010 reference Section 350(b) of the Code.

Debtor provided proof of timely taking the course. However, to the knowledge of Debtor's Counsel, the Certificate was not received by the law firm until after the case was closed by the Court.

REQUESTED RELIEF

9. Debtor and Debtor's Counsel request that the Court reopen the above-referenced chapter 7 bankruptcy case for a limited purpose to grant the Debtor seven (7) days after entry of an order of the Court reopening this case within which to file a Certificate of Completion of Financial Management Course. If the Certificate is timely filed, then the Debtor requests that the Court issue an Order of Discharge.

10. This Motion is necessary to enable the Debtor to reopen the case, file the Certificate, and become eligible to obtain a discharge order in this bankruptcy case.

11. This Motion is not made for the purposes of delay, and to Debtor's Counsel's knowledge, no creditor will suffer any prejudice if Debtor's Motion is granted.

12. This Motion is filed in the best interest of the Debtors, the Debtors' bankruptcy estate, and in the interest of justice.

13. The applicable court filing fee for moving to reopen the case will be paid contemporaneously with the filing of this Motion.

WITNESS AND EXHIBIT LIST

14. The following witnesses may be called by Debtors' Counsel:

- a. Debtor
- b. Stuart M. Price, attorney of record for Debtors and attorney at Resolve Law Group
- c. Alan D Borden, attorney at Resolve Law Group

Debtor's Counsel requests that the Court take judicial notice of the docket report, pleadings, affidavits, petition, schedules, plan, and related documents on file with the Court in the above-referenced case.

15. Debtor's Counsel requests a telephonic hearing on the Motion, if permitted by the Court.

WHEREFORE, PREMISES CONSIDERED Debtor and Debtor's Counsel respectfully request the Court to grant the relief requested herein, and for such other relief that the Debtor may be justly entitled and the Court may grant.

Respectfully submitted,

THE PRICE LAW GROUP, A.P.C.
dba RESOLVE LAW GROUP

/s/ Stuart M Price

Stuart M Price

CA Bar No. 150439

Stuart M Price

801 Travis Street, Suite 2101

Houston, TX 77002

Phone: (818) 995-4540

Fax: (818) 995-9277

Email: enotice@pricelawgroup.com

ATTORNEYS FOR DEBTOR

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on or before October 16, 2024, a true and correct copy of the foregoing Motion was served on the Office of the U.S. Trustee, the Chapter 7 Trustee, all attorneys and parties-in-interest who have requested notices, and on all parties in the attached mailing matrix.

/s/ Stuart M Price
Stuart M Price

EXHIBIT 1

Certificate Number: 06531-TXS-DE-038902875

Bankruptcy Case Number: 24-32808



06531-TXS-DE-038902875

CERTIFICATE OF DEBTOR EDUCATION

I CERTIFY that on September 25, 2024, at 12:28 o'clock PM CDT, Charles A Buerger Jr completed a course on personal financial management given by internet by Allen Credit and Debt Counseling Agency, a provider approved pursuant to 11 U.S.C. 111 to provide an instructional course concerning personal financial management in the Southern District of Texas.

Date: September 25, 2024 By: /s/Sharon Schroeder

Name: Sharon Schroeder

Title: Certified Credit Counselor